

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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KRUMMHOLZ INTERNATIONAL INC.
and SWISSDIGITAL USA CO., LTD.,

Plaintiffs,

-vs-

WENGER S.A.,

Defendant.

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**NOTICE OF MOTION TO
DISMISS AGAINST WENGER
S.A. PURSUANT TO FED R.
CIV. P. 12(b)(1)**

Docket No. 1:15-cv-86-WMS

MOTION BY:

Defendant **WENGER S.A.**, by its attorneys, Connors &
Vilardo, LLP and Day Pitney LLP.

**DATE, TIME & PLACE
OF HEARING:**

At a date and time to be scheduled by the Court, before the
Hon. William M. Skretny, United States District Court, 2
Niagara Square, Buffalo, New York 14202.

Oral argument is requested.

**SUPPORTING
PAPERS:**

Declaration of Richard H. Brown, with exhibits; and
Memorandum of Law.

**Notice is hereby given pursuant to Local Rule 7(a)(1)
that Defendant intends to reply.**

**RELIEF REQUESTED &
GROUNDS FOR RELIEF:**

An Order of this Court dismissing the claims in the
Complaint against Wenger S.A. because:

- (1) This Court lacks subject matter jurisdiction over
Wenger S.A. under Fed. R. Civ. P. 12(b)(1) with regard
to the claims for declaratory relief (Claims 2, 3, 4 and
5) and the claim for cancellation under the Lanham Act
(Claim 1); and

(2) For any additional relief this Court deems just and proper.

DATED: Buffalo, New York
August 13, 2015

s/James W. Grable, Jr.
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